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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,244	06/06/2006	Fernando Incertis Carro	FR920040018US1	4148
30449 7590 05/26/2009 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER				
STU, SARAH				
ART UNIT		PAPER NUMBER		
2431				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/596,244

Applicant(s)

CARRO, FERNANDO INCERTIS

Examiner

Sarah Su

Art Unit

2431

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 13-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/
Examiner, Art Unit 2431

Continuation of 11. does NOT place the application in condition for allowance because: The examiner has found the applicant's arguments to be non-persuasive, and the examiner maintains the grounds of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the self-made certificate, a private key, and a certificate address are sent to the client) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that the claim only discloses that the private key is received, and that the private key is related to the digital certificate and certificate address.

As to claim 13, it is argued by the applicant that Murakawa does not disclose that the private key is received. The examiner respectfully disagrees. Murakawa discloses that the keys are provided in the web server in the device (0031, lines 1-3). Therefore, since the keys are provided to the device, the device receives the keys.

Further, as to claim 13, it is argued by the applicant that Bhaskaran does not disclose encoding the received certificate address to generate an encoded address. The examiner respectfully disagrees. Bhaskaran discloses that the dynamic data may represent data such as settings, parameters, contact numbers, order receipts, etc (0015, lines 15-17). Since a parameter is information that represents characteristics of data, an address of data is a type of parameter.

As to claims 17 and 28, it is argued by the applicant that Bhaskaran does not disclose that a distributor of the digital certificate is an owner of the digital certificate. The examiner respectfully disagrees. The examiner has interpreted the owner of data to one who has possession of the data with permission. Therefore, since Bhaskaran discloses that the distributor has possession of the data and is tasked with distributing the data to an end user (0019, lines 1-12), the distributor is considered to be the owner of the data.

As to claim 23, it is argued by the applicant that Murakawa does not disclose accessing the digital certificate from the generated certificate address. The examiner respectfully disagrees. Murakawa discloses that a certificate is created (i.e. generated) by having a user input information and including the path information (i.e. address) of the high levels of the certificate (0041, lines 1-9). Murakawa also discloses that the certificate at the high level (i.e. at the path information, address) is acquired (i.e. accessed) (0042, lines 6-8).

As to claims 16 and 27, it is argued by the applicant that DiPierro does not disclose that the generated digital signature is disposed in the file header between a beginning tag and an ending tag. The examiner respectfully disagrees. The examiner asserts that it is well known in the art that the header portion of a file must have language that denotes the beginning and end of the header in order to distinguish between the data contained in the header and the data contained in the body. Therefore, since DiPierro discloses that the digital signature is stored in the file header (0039, lines 2-3), it must be contained within language that designates the header (i.e. tags).

Continuation of 13. Other: With regards to the objection to claims 21, 22, 31, and 32, the examiner has considered the applicant's arguments and has found them to be persuasive. The examiner hereby withdraws the objection to claims 21, 22, 31, and 32.